

A special meeting of the Board of Aldermen was held Saturday, January 5, 2008 at 10:00 a.m. in the Aldermanic Chamber.

President David Rootovich presided; Deputy City Clerk Patricia E. Lucier recorded.

Prayer was offered by Deputy City Clerk Patricia E. Lucier; Alderman Marc W. Plamondon leading in the Pledge to the Flag.

The roll call was taken with 12 members of the Board of Aldermen present; Aldermen Tollner, LaRose and Williams were recorded absent. Alderman MacLaughlin arrived after the roll was taken.

President Rootovich

Alderman Tollner is out of town on personal business. Alderman LaRose is ill this morning.

Deputy Corporation Counsel, Stephen Bennett was also in attendance.

COMMUNICATIONS

MOTION BY ALDERMAN RICHARDSON THAT ALL COMMUNICATIONS BE READ BY TITLE ONLY

MOTION CARRIED

From: David Rootovich, President, Board of Aldermen
Re: Special Board of Aldermen Meeting

MOTION BY ALDERMAN DION TO ACCEPT AND PLACE ON FILE

MOTION CARRIED

From: Mayor Bernard A. Streeter
Re: Veto of Resolution R-07-284

MOTION BY ALDERMAN RICHARDSON TO ACCEPT AND PLACE ON FILE

MOTION CARRIED

From: Mayor Bernard A. Streeter
Re: Veto of Ordinance O-07-136

MOTION BY ALDERMAN DEANE TO ACCEPT AND PLACE ON FILE

MOTION CARRIED

UNFINISHED BUSINESS – RESOLUTIONS

MOTION BY ALDERMAN DEANE TO RECONSIDER R-07-284

MOTION CARRIED

R-07-284

Endorser: Alderman Daniel Richardson
Alderman Richard P. Flynn
Alderman-at-Large David W. Deane

SUBMITTING TO THE VOTERS AT REFERENDUM A QUESTION ON THE BROAD STREET PARKWAY PROJECT

MOTION BY ALDERMAN DEANE TO OVERRIDE THE MAYOR'S VETO BY ROLL CALL

A vice voce roll call vote was take which resulted as follows:

Yea: Alderman Flynn, Alderman Dion, Alderman Richardson, Alderman Deane,
Alderman Teeboom, Alderman Cookson

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Nay: Alderman Tabacsko, Alderman McCarthy, Alderman Bolton, Alderman Plamondon,
Alderman Rootovich

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MOTION FAILED

Mayor's Veto Sustained

UNFINISHED BUSINESS – ORDINANCES

MOTION BY ALDERMAN DEANE TO RECONSIDER O-07-136

MOTION CARRIED

O-07-136

Endorser: Alderman-at-Large James R. Tollner
Alderman Marc W. Plamondon
Alderman Mark S. Cookson
Alderman Robert A. Dion

ESTABLISHING REGISTERED SEX OFFENDER RESIDENCY RESTRICTIONS

MOTION BY ALDERMAN DEANE TO OVERRIDE THE MAYOR'S VETO BY ROLL CALL

ON THE QUESTION

Alderman Teeboom

Mr. President I make an argument to sustain the Mayor's veto. In a memorandum the Mayor stated a number of reasons why he opposed the legislation, which passed 7/6, and I agree with all the reasons stated in Mayor Streeter's memorandum. Every authority in law enforcement counseled against this legislation. Every social service agency representative that appeared before this committee or wrote to us counseled against this legislation.

I personally discussed this legislation with representatives in the New Hampshire Department of Youth Services. They counseled against this. I personally talked with a representative in the United States Justice Department who is a manager for cases throughout the country that look for advice in dealing with juvenile offenses. He counseled against this. The police in Nashua counseled against this. They all said, there is not a single exception I could find in any of these authorities, this legislation is ineffective. In fact, it is counter-productive because it causes sex offenders to not register and go underground.

If there had just been one example provided in all the discussion where this had shown to be effective I would have changed my mind. None were provided. I believe this legislation to provide restriction against where you can live – I think this is based on emotion and fear rather than fact. This legislation does not prevent against dangerous criminals – for example doesn't protect against those who murder, it doesn't even provide against criminals who murdered a child.

I think this legislation was well intentioned, but seriously misguided. Finally, I promised Alderman Tollner that I would work on what I think is allowable under New Hampshire law, which is the anti-loitering ordinance, and I will work with law enforcement officials, social service agencies and authorities, and I will work with out city legal department to try to come up next term with an anti-loitering ordinance against those convicted of a juvenile sex offense. That is what authorities have advised could be much more effective.

I support upholding the Mayor's veto.

Alderman Tabacsko

I wanted to take a minute to get my position on the record because I was absent at the last meeting. I am actually in favor of this legislation, and will vote accordingly. I just wanted to say that this is a very complicated issue, and I first want to thank people from both sides. I have been contacted by a lot of people, and everybody has been very professional, polite, courteous, and this has been a very thorough debate. In the end, while this may not be perfect and it may very well have some flaws, I think until this issue is addressed, and perhaps it should be addressed more from the state level, but in the meantime I think something is better than nothing, and that is why I am in support of this. Thank you.

Alderman Deane

I voted against this ordinance when it was brought to us at the full board level, and I don't support it. I think we have been given a lot of information pertaining to the deficiencies associated with it. However, the process in which this veto rolled out of the Mayor's office I think is absolutely inappropriate. The fact that people were taken off e-mail distribution lists, it was done at the 11th hour, there was a notice dropped at the City Clerk's Office. I contacted both you and Alderman Tollner pertaining to what was going to be done about it with a special meeting being called to address both of these vetoes. It didn't give you enough time to call a meeting during the week, and thus we are missing members because they had previous commitments they had to deal with. I just think the whole situation and the way this was handled absolutely stinks. This just isn't the way to do something. The Mayor had ample opportunity regardless of his I wait until the 11th hour on the 7th day and 5 minutes of 5:00 p.m. to drop this off knowing full well that a scramble would ensue for us to address it. Here we are missing members looking to reconsider and perhaps override or sustain his veto. I just think as a matter of principal I am going to support overriding his veto just for the way the process was carried out.

Alderman Bolton

I have to say I find myself in a very unfamiliar position trying to justify the Mayor's actions. In the past I have disagreed with his procedures on how he handles vetoes. I think the responsible thing is for any Mayor to let this Board know his position, the administration's position, the Mayor's position on legislation and to help guide our decision making, and if the Mayor is aware of an intention to veto legislation that ought to be made known. That being said, this Mayor has been consistent. I think every time, if not every time then with very few exceptions, he has waited until the 7th day and the late afternoon of the 7th day before vetoing legislation.

His justification for that when I have addressed it to him is that he says that he wants to allow all of that time to get public input to guide his decision making as to whether he should veto or not veto. I would just have to say he has treated these two measures no differently than he has treated other measures in the past.

President Rootovich

Is there any further discussion?

Alderman MacLaughlin

I apologize for being a little late. It was very difficult to have gotten here.

A vice voce roll call vote was take which resulted as follows:

Yea: Alderman Tabacsko, Alderman McCarthy, Alderman Flynn, Alderman MacLaughlin,
Alderman Richardson, Alderman Deane, Alderman Cookson, Alderman Plamondon,
Alderman Rootovich

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Nay: Alderman Dion, Alderman Bolton, Alderman Teeboom

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MOTION FAILED

Mayor's Veto Sustained.

ADJOURNMENT

**MOTION BY ALDERMAN BOLTON THAT THE JANUARY 5, 2008 MEETING
OF THE BOARD OF ALDERMEN BE ADJOURNED
MOTION CARRIED**

The meeting was declared adjourned at 10:15 a.m.

Attest:

Patricia E. Lucier, Deputy City Clerk